

Attorney's Docket: 2002DE432
Serial No.: 10/666,450
Art Unit: 1751
Response Office Action, Dated 12/22/2005

Remarks

The Office Action mailed June 28, 2004 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Applicant has amended the application to protect the invention. Applicant has amended the claims to more clearly recite what Applicant believes to be the invention. In claim 13, Applicant has incorporated the term "wherein said contacting takes place at a pH less than 5", which was previously recited in previously presented claim 28, now canceled. Support for this amendment can be found in Applicant's Specification at paragraph [0006]. It is believed that no new matter is introduced by this amendment and no additional search is required.

Claims 13 and 16-28 were rejected under 35 U.S.C. §102(e) as being anticipated by Scholz et al. US Patent Application No. 2005/0058673. The rejection of claims 13 as amended and claims 16-28 under 35 U.S.C. 102(e) as being anticipated by Scholz et al. US Patent Application No. 2005/0058673 should be withdrawn for the reason that the Scholz reference is not prior art. The Scholz et al. reference was first filed in the US on 9 September 2003 and there is no earlier priority date. The instant Application claims priority from the German National Application DE 102 43 661.4, which was filed in Germany on 19 September 2002. The certified translation of the German priority document is attached to this response. Accordingly, rejection of claims 13 as amended and claims 16-28 under 35 U.S.C. 102(e) as being anticipated by Scholz et al. US Patent Application No. 2005/0058673 should be withdrawn.

Claims 13-14 and claims 16-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Morschhaeuser et al. WO 02/44230. As the Examiner acknowledges, Morschhaeuser et al. WO 02/44230, in the German language, is the equivalent of US Application 2004/0109838, in the English language. Accordingly, Applicant will respond to the Examiner's line-by-line references to the German language document (WO 02/44230), in the context of the English language


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02/44230 (equivalent to US 2004/0109838 should be withdrawn for the reason that there is no teaching or suggestion to anyone skilled in the art to either produce or to use such a combination in a method for cleaning hard surfaces, wherein the composition has a pH less than 5.

It is respectfully submitted that, in view of the above remarks, the rejections under 35 U.S.C. §102 and 103 should be withdrawn and that this application is in condition for an allowance of all pending claims. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action is courteously solicited.

Respectfully submitted,


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Attachment:

Certified Translation of German Priority Document DE102 43 661.4, filed in Germany on 9/19/2002